

Remarks

Claims 1, 3-5, 8-9, 16, 19, 28, 46-48, and 50-58 are pending and in condition for allowance. By the proposed amendment above, claims 1, 3-5, 8, 16, 19, 28, and 46-48 have been amended, claim 49 has been cancelled, and claims 50-58 have been added. New claims 50-58 represent various recast combinations of claims already pending and searched by the Examiner. For example, new independent claim 50 includes the subject matter of amended claims 1 and 47, and new independent claim 58 includes the subject matter of amended claims 1, 3, and 48. It is believed that no previously unsearched matter was included in any of the new dependent claims. Accordingly, Application requests entry of this Amendment.

It is noted the Office Action Summary indicates the drawings are both objected to and accepted. Since no specific objections to the drawings were made in the Office Action, Applicants have assumed the box indicating an objection to the drawings was inadvertently checked.

The courtesy of the Examiner in granting a personal interview on May 30, 2007, to Applicant's representative Philip M. Goldman, and inventor Dr. Jeffrey Felt is appreciated. The following recordination of the substance of the interview is believed to be complete and proper, in accordance with MPEP 713.04. It is requested that the Examiner notify the undersigned if he believes this Statement contains any inaccuracies or if the Examiner believes the Statement is otherwise not complete and proper.

In the course of the interview, cited U.S. Patent No. 4,502,161 (Wall) was discussed. The general discussion offered during the interview involved the Applicant's assertion that, among other deficiencies, the Wall patent fails to disclose the subject matter claimed by Applicant.

Also in the course of the interview, Applicant displayed a model of the knee, together with Applicant's own device according to the present invention.

In the course of the interview, it was agreed that Applicant would recast the claims to address the 35 U.S.C. § 101 rejection, and a clarification was made regarding how the present invention differentiates from the prior art.

No other pertinent matters were discussed during the interview.

In the Office Action, the Examiner rejected the pending claims under 35 U.S.C. § 101 as drawn to non-statutory subject matter. In response, Applicant has amended the pending claims to make clear it is not claiming part of the human anatomy. Accordingly, Applicant requests that this rejection be withdrawn.

The rejections under Sections 102 and 103 based on Wall are respectfully traversed. Wall describes a lateral prosthetic meniscus that is fixed to a lateral femoral condyle and articulates across a tibia, as shown in Figure 5. Such a prosthetic meniscus is similar in some respects to natural meniscus, which also attaches to the lateral femoral condyle. In contrast, Applicant's claimed implant, which can provide a replacement for both articular cartilage and natural meniscus, is retained against the lateral tibial surface and is at least partially held in place by a tibial projection while the lateral femoral condyle articulates across the femoral glide path of the implant. Accordingly, among other deficiencies, Wall does not teach or suggest an implant for a lateral compartment with a tibial projection extending beyond a lateral tibial surface to improve fixation *in situ* or a femoral guide path. Hence, Applicant respectfully requests that the Section 102 and 103 rejections based on Wall be withdrawn.

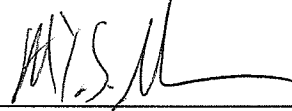
Applicant recognizes the Examiner's withdrawal of the double patenting rejection based on US Pat. No. 6,652,587 and the provisional double patenting rejection based on US Serial No.

10/121,455. Applicant notes that US Serial No. 10/121,455 is no longer pending. However, US Serial No. 10/722,019 is pending and is currently in active examination with Examiner Pedro Philogene. Applicant will submit terminal disclaimers, if appropriate, after an indication of allowable subject matter in the present application.

In view of the above remarks, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all rejections is respectfully requested.

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Respectfully submitted,



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